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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,441	08/29/2001	Kenji Matsuda	684.3242	5068
5514	7590	10/16/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BRASE, SANDRA L	
		ART UNIT	PAPER NUMBER	
		2852		

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/940,441	MATSUDA ET AL.
	Examiner Sandra L. Brase	Art Unit 2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 July 2003 and 06 August 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,6-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,6-10 and 12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |                                                                                                |                                                                              |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/7/03 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1, 2, 4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 5,737,675) in view of Nakano et al. (US 5,363,177).

Okada et al. (...675) disclose an image forming apparatus comprising: an image bearing member (41) and a developing means (43) for developing a latent image formed on the image bearing member. A developer supply container (200) is detachably mountable to the image forming apparatus, where the developer supply container includes: a developer accommodating portion (201); a developer discharging portion (203); and a cover (250) covering the developer discharging portion. The cover is movable between a first position in which the cover covers the developer discharging portion and a second position in which the developer discharging portion is exposed, where the second position is closer to the developer accommodating portion than the first position (figures 3 and 6). A rail guides the movement of the cover, where the rail includes a first guiding portion for guiding the cover to move in parallel with the developer accommodating portion and a second guiding portion for guiding the cover toward the developer accommodating portion, and a projection is abutted by the cover, wherein when the container is mounted to the main assembly, the cover abuts the projection so that movement of the cover is regulated, and wherein the cover moves from the first position to the second position with a mounting action of the container to the main assembly of the apparatus and in response to an operation of mounting the container to the apparatus (col. 7, line 15 – col.. 8, line 50). The discharging portion is provided with a hole (202) for permitting passage of developer. However, Okada et al. (...675) do not disclose the claimed tape, and a shutter inside the cover. Nakano et al. (...177) disclose a tape (3) that seals a hole (31) in a discharge portion of a developer supply container when the container has not been used (col. 7, lines 50-54), where the tape is peeled off

when a cover is moved from a closed position to an open position (col. 8, lines 20-65). A shutter (2) is inside the cover (1) and closes and opens a discharge hole in the container. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed tape so as to seal an opening of a developer container, as disclosed by Nakano et al. (...177), and it would have also been obvious to have a shutter inside the cover since it is a well known configuration for closing and opening a hole in a discharge portion of a developer supplying container, as disclosed by Nakano et al. (...177).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 5,737,675) in view of Nakano et al. (US 5,363,177) as applied to claim 1 above, and further in view of Kawakami et al. (JP 11-095638).

Okada et al. (...675) in view of Nakano et al. (...177) disclose the features mentioned previously, but do not disclose the claimed urging means. Kawakami et al. (...638) disclose a developer supply container (5) including a cover (6) that is urged to a closing position by an urging means (66) when the container is out of an image forming apparatus (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed urging means so as to provide a force to urge the container cover to a closed position, as disclosed by Kawakami et al. (...638).

5. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 5,737,675) in view of Nakano et al. (US 5,363,177) as applied to claim 1 above, and further in view of Lee (US 5,708,912).

Okada et al. (...675) in view of Nakano et al. (...177) disclose the features mentioned previously, and Okada et al. (...675) disclose the hole in the discharge portion opening in response to the relative movement between the container and the developing means. However, Okada et al. (...675) and Nakano et al. (...912) do not disclose the developing means with the image bearing member detachably mountable to the main assembly of the image forming apparatus. Lee (...912) discloses an image forming apparatus including an image bearing member (41) and a developing means (46) provided in a cartridge (A2) that is detachably mountable to the main assembly of the image forming apparatus (col. 3, line 57 – col. 4, line 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the developing means and the image bearing member detachably mountable to the main assembly so as to facilitate replacement when it is determined that either one is expended, as disclosed by Lee (...912).

***Response to Arguments***

6. Applicant's arguments filed 7/7/03 have been fully considered but they are not persuasive.
7. Applicant argues that Okada et al. (US 5,737,675) do not disclose the cover moving from the first position to the second position in response to an operation of mounting the container to the apparatus. However, as explained above, Okada et al. (...675) disclose the cover moving in the second position in response and with the mounting operation.
8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Okada et al. (US 5,737,675) with Nakano et al. (US 5,363,177) since Nakano et al. (...177) teaches a tape seals the opening of a developer container and a shutter is provided inside a cover of a developer supplying container so as to provide a configuration to close and open a discharge hole in the developer supplying container.

***Contacts | Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (703) 308-3101.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3101.



Sandra L. Brase  
Primary Examiner  
Art Unit 2852

October 14, 2003